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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**SIRI DIAZ, CAROLYN SIEGEL, TALIA BUMB,
BLERTA VIKKI, DANIELLE OWIMRIN, SUSAN
LEVIN, on behalf of themselves and all others similarly
situated,**

Plaintiffs,

-against-

**SCORES HOLDING COMPANY, INC.; GO WEST
ENTERTAINMENT, INC. a/k/a SCORES WEST SIDE;
and SCORES ENTERTAINMENT, INC., a/k/a SCORES
EAST SIDE.; ENTERTAINMENT MANAGEMENT
SERVICES, INC.; and 333 EAST 60th STREET, INC.
a/k/a SCORES EAST SIDE.**

Defendants.

No. 07 Civ. 8718 (RMB)

**SUPPLEMENTAL DECLARATION OF TAMMY MARZIGLIANO IN OPPOSITION
TO DEFENDANTS' CROSS-MOTION TO DISMISS AND IN SUPPORT OF
PLAINTIFFS' MOTION FOR CONDITIONAL CERTIFICATION AND COURT-
AUTHORIZED NOTICE PURSUANT TO SECTION 219(b) OF THE FLSA**

I, Tammy Marzigliano, declare under penalty of perjury as follows:

1. I am an associate at Outten & Golden LLP, attorneys for Plaintiffs herein, and an attorney in good standing admitted to practice in the State of New York and before this Court.

2. I make this supplemental declaration in connection with Plaintiffs' Opposition to Defendants' Cross-Motion to Dismiss and in Support of Plaintiffs' Motion For Conditional Certification and Court-Authorized Notice Pursuant to Section 219(b) of the FLSA.

3. I am fully familiar with the facts and circumstances of this matter and I make the representations herein based upon my personal knowledge or upon the documents that are of record in this matter.

4. Plaintiffs served their First Set of Document Requests ("Document Requests") on December 21, 2007, attached as **Exhibit ZZ**. Defendants did not respond or object to Plaintiffs' Document Requests until February 21, 2008.

5. Plaintiffs have only taken one partial deposition in this matter, a partial Fed. R. Civ. P. 30(b)(6) deposition on Defendants' corporate structure. Attached as **Exhibit AAA** is a true and accurate copy of Plaintiffs' Notice of Deposition Pursuant to Rule 30(b)(6), dated January 15, 2008.

6. To date, Defendants have not provided a list of putative class members and their contact information.

7. Discovery is not scheduled to close until May 21, 2008, attached as **Exhibit BBB** is a true and accurate copy of the Judge Katz's scheduling order dated March 24, 2008 ("Scheduling Order").

Additional Exhibits

8. Attached as **Exhibit CCC** are excerpts from the deposition transcript of Blerta Vikki taken on January 28, 2008 ("Vikki Tr.").

9. Attached as **Exhibit DDD** are excerpts from the deposition transcript of Carolyn Siegel taken on January 8, 2008 ("Siegel Tr.").

10. Attached as **Exhibit EEE** are excerpts from the deposition transcript of Talia Bumb taken on January 24, 2008 ("Bumb Tr.").

11. Attached as **Exhibit FFF** are excerpts from the deposition transcript of Siri Diaz taken on April 3, 2008 ("Diaz Tr.").

12. Attached as **Exhibit GGG** is a true and accurate copy of the Memorandum of Law of New York State Attorney General Eliot Spitzer as Amicus Curiae in *Ansoumana v. Gristede's Operating Corp.*, 00 Civ. 0253, dated March 23, 2001.

13. Attached as **Exhibit HHH** is a true and accurate copy of Blerta Vikki's deposition errata sheet March 12, 2008.

14. Attached as **Exhibit III** is a true and accurate copy of Blerta Vikki's initialed declaration dated April 21, 2008.

15. Attached as **Exhibit JJJ** is a true and accurate copy of a letter from Justin M. Swartz to Jerrold F. Goldberg dated November 14, 2007.

16. Attached as **Exhibit KKK** is a true and accurate copy of Defendants Scores Holding Company, Inc., and Go West Entertainment, Inc.'s Response to Plaintiffs' First Set of Document Requests dated March 21, 2008.

17. Attached as **Exhibit LLL** is a true and accurate copy of the Court Approved class/collective action notice in the matter of *Torres, et al. v. Gristede's Operating Corp., et al.*, Case No. 04-CV-3316.

18. Attached as **Exhibit MMM** is a true and accurate copy of the Memorandum Decision and Order granting Plaintiffs' motion for collective action and class certification in the matter of *Torres, et al. v. Gristede's Operating Corp., et al.*, Case No. 04-CV-3316, dated September 28, 2006.

19. Attached as **Exhibit NNN** are true and accurate copies of two Court Approved collective action notices in the matter of *Hens, et al. v. ClientLogic Operating Corp.*, Case No. 05-CV-381S.

20. Attached as **Exhibit OOO** is a true and accurate copy of the Order granting Plaintiffs' motion for Conditional Class Certification and for Court Authorized Notice in the matter of *Hens, et al. v. ClientLogic Operating Corp.*, Case No. 05-CV-381S., dated September 22, 2006.

21. Attached as **Exhibit PPP** is a true and accurate copy of the Court Approved collective action notice in the matter of *Damassia, et al. v. Duane Reade.*, Case No. 04-CV-8819.

22. Attached as **Exhibit QQQ** is a true and accurate copy of the Opinion and Order granting Plaintiffs' motion for Court Authorized Notice in the matter of *Damassia, et al. v. Duane Reade.*, Case No. 04-CV-8819, dated October 4, 2006.

23. Attached as **Exhibit RRR** is a true and accurate copy of the Court Approved collective action notice in the matter of *Chowdhury, et al. v. Duane Reade.*, Case No. 06-CV-2295.

24. Attached as **Exhibit SSS** is a true and accurate copy of the Opinion and Order granting Plaintiffs' motion for Court Authorized Notice in the matter of *Chowdhury, et al. v. Duane Reade.*, Case No. 06-CV-2295, dated October 2, 2007.

25. Attached as **Exhibit TTT** is a true and accurate copy of the Court Approved collective action notice in the matter of *Khait, et al. v. Whirlpool Corp. and Maytag Corp.*, Case No. 06-CV-6381.

26. Attached as **Exhibit UUU** is a true and accurate copy of the Order Modifying Proposed Notice to Prospective Collective Action Members in the matter of *Khait, et al. v. Whirlpool Corp. and Maytag Corp.*, Case No. 06-CV-6381., dated October 2, 2007.

27. I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
April 21, 2008

/s/ Tammy Marzigliano
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